

The West Virginia Miner's Story

Transforming Cash Gifts Into Priceless Legacies

On January 2, 2006 at about 6:30 a.m. E.S.T. an explosion ripped through the Sago mine. The explosion was so strong it shook the nearby community of Buckhannon, West Virginia. Thirteen men were trapped two miles from the mouth of the Sago Mine and 280 feet below ground level.

The Sago Mine disaster is remembered for its high-volume publicity and around-the-clock news coverage. For nearly two days the disaster occupied the airwaves of television stations such as CNN, Fox, MSNBC, and even gained significant international attention. Unfortunately major misinformation was given to the public, including the families of the trapped miners.

In West Virginia when a mine disaster strikes, the families of the stranded miners and many of their neighbors and friends gather. Prayers are spoken by candlelight. Wives, children, mothers, fathers, siblings all huddle together hoping for the best. But with each passing hour despair is crowding out hope because every miner's family knows that oxygen will run out below if the rescue efforts don't reach the trapped men.

Some of these mining accidents have happy endings. Some end in tragedy as was the case in Utah in the summer of 2007 when six of the rescuers lost their lives and the mine was eventually sealed with no hope of recovering any of the miners.

The first hint of the miners' status came around 5:00 p.m. on January 3 when it was reported that a body had been found. Hours later, just before midnight, reports spread quickly that twelve of the thirteen miners had been found alive. The families were gathered inside the Sago Church and when they got the news they all began to rejoice at the safe rescue of their loved ones. Even the Governor of West Virginia was celebrating at the Church and calling the rescue a "Miracle". A headline in the New York Times announced 12 Miners Found Alive 41 Hours After Explosion. It took three hours before this tragic communications mistake was corrected. Finally, the families were advised there were twelve dead miners and only one survivor, Randall McCloy, who was in critical condition. For days it was uncertain whether Mr. McCloy would live to tell the story of the disaster.

Five months after the accident Randall McCloy held a press conference and released to the public the following letter written to the families of the deceased miners:

*To the families and loved ones of my co-workers, victims
of the Sago Mine disaster:*



The explosion happened soon after the day shift arrived at the mine face on January 2. [I don't] have any memory of the blast. I do remember that the mine filled quickly with fumes and thick smoke and that breathing conditions were nearly unbearable.

The first thing we did was activate our rescuers [Note: a rescuer is a breathing apparatus with a limited supply of oxygen intended to give the miner a chance to survive until he can be rescued], as we had been trained. At least four of the rescuers did not function. I shared my rescuer with...others. There were not enough rescuers to go around.

*...The air was so bad that we had to abandon our escape attempt and return to the coal rib, where we hung a curtain to try to protect ourselves. We attempted to signal our location to the surface by beating on the mine bolts and plates [with] a sledgehammer, and for a long time we took turns pounding away. We had to take off the rescuers in order to hammer as hard as we could...We were worried and afraid, but we began to accept our fate. Junior Toler led us all in the Sinners Prayer. **We prayed a little longer, then someone suggested that we each write letters to our loved ones.***

...As time went on, I became very dizzy and light headed. As my trapped co-workers lost consciousness one by one, the room grew still and I continued to sit and wait, unable to do much else. I have no idea how much time went by before I also passed out from the gas and smoke, awaiting rescue.

I cannot begin to express my sorrow for my lost friends and my sympathy for those they left behind. I cannot explain why I was spared while the others perished. I hope that my words will offer some solace to the miners' families and friends who have endured what no one should ever have to endure.

When I first learned of this story it tugged on my heart so powerfully. The emotional roller coaster those families had been on seemed so cruel. And then as I researched this disaster there was something which caught my eye. In one of the newspaper accounts I read that five of the miners had left notes to their loved ones. I even found two specimens of the notes in the newspaper stories. I don't remember the exact words but one of the notes went something like this:

I hope you never read this note because if you do it will mean I have perished in this accident.

You each mean so much to me and have brought me so much joy. My happiest memories are the summer picnics down in the hollow, eating pie together at Grandma's during the holidays, and the crazy things you came up with to celebrate my birthdays. There is nothing more important than our family. Please continue to get all the family together for those reunions and holidays and know how much I'd love to be there with you.

Don't worry about me. I'm in no pain. I love each of you and I'll see you on the other side.



This note resonated so strongly with me. I admired the sensitivity of this miner. And I imagined how much emotional comfort this note must have brought to his family. But it wasn't until I met the financial services tycoon that I realized that the West Virginia Miner's note has a power to transform the meaning and outcome of even the simplest gifts we make.

In late January, 2006, I was privileged to be introduced to a new client. He had been the CEO of a major American public company. In our initial estate planning conference I learned that he had eleven grandchildren and he wanted to make a gift of \$100,000 cash upon his death to each of them. I've often struggled with the poor choices I've seen particularly young inheritors make when they are presented with a large lump sum of cash. So I asked my client that day, "Charles [this is a fictitious name to protect his identity], what do you think your grandchildren will do when they get that money?"

"Oh..." There was that audible pause that told me he was thinking deeply. "I have 7 grandsons. I suppose they will race out and use that money to buy a sports car, a Hummer or something like that."

"And what about your granddaughters?" I asked.

"Well, the girls will be much more practical about it. I imagine they will stick it in savings and use it for a down payment when they purchase their first home." His answer troubled me. My mind fast forwarded thirty years. I thought of what that \$100,000 might become through the appreciation of a personal residence over time. And then I thought about how many of those fast sports cars would end up totaled or as a rust heap in some junk yard. I shared those thoughts with Charles and then challenged him: "Does it trouble you how different the outcomes might be between the grandsons and the granddaughters. Each will start out with \$100,000. But some may have nothing to show for it after a few years while others may see that \$100,000 turn into a million or more through the appreciation in a personal residence?"

"Oh, there really isn't much I can do about that. **And after all I just want them to know that I love them,**" he replied.

It was those words "**I just want them to know that I love them**" that triggered the recollection of the West Virginia Miner's Note and this invitation to you and the financial services tycoon. I told him the story of the trapped miners who had taken the time to scribble those heart-felt notes to their loved ones and how different the outcomes must have been between those families who received that expression of love, and those who didn't.

"Charles," I said, "how different do you think it would be if you dictated a note to each of your grandchildren, had your secretary type it up and then signed it. We'll place that note inside an envelope that you will hand address to your grandchild. And then upon your death your secretary and I will make sure that we fold that note around the \$100,000 check and seal it inside the envelope for delivery to your grandchild. Can you feel how different the outcomes of those gifts may be if you make sure the cash is accompanied with your personal 'West Virginia Miner's note'?"



Since then whenever I contemplate the difference between a Purposeful Legacy and a transfer, I am reminded of the opportunity every parent and grandparent has to change the meaning and outcome of even the simplest gifts.

Here are some simple suggestions of what you might choose to include in your 'West Virginia Miner's note:'

1. Memories of trips or vacations when we have spent time together
2. My memories of the joy and anticipation surrounding your birth/adoption
3. Special talents or gifts I feel you have been given and the great potential I have seen in you
4. Really difficult challenges I have seen you overcome and how I felt about your effort
5. Gifts you gave me that I have treasured, simple acts of kindness you've extended to me I've never forgotten, or things you've said to me which really made me feel special or loved.
6. The accomplishments and recognition you have received and how I felt about them
7. Opportunities I hope come your way, things I hope you'll be able to do, and places and experiences I hope you'll visit or enjoy.
8. What I hope you and the other members of the family will do in terms of continuing your relationship as family members when I'm not around.

So regardless of whether the amount you want to leave your child or grandchild is small or large, reflect on the opportunity the West Virginia Miner's note gives you. Let's make an appointment for me to digitally record your West Virginia Miner's note. We will then make sure that is preserved in an electronic format that can be a timeless legacy for your child(ren).

